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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gregory W. Cox

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06/30/2004

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

13

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,208

Applicant(s)

COX ET AL.

Examiner

Justin M Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 14, 2004 have been fully considered but they are not persuasive.

First, applicant argues regarding claim 1 (page 7, third paragraph) that Alkhatib makes no teaching or suggestion that the devices should determine or identify whether a communication link between the devices and the subnet is active or not. However, as discussed in the previous office action, and repeated herein, Alkhatib teaches identifying active communication links to provide identified active communication links (e.g., see col. 5, lines 15-49 and FIG. 2 regarding devices 72, 74 and 76 and communication links to subnet 70). In the above citation, Alkhatib specifically discloses that the “device 76 [is] connected to subnet 70”, wherein the device “automatically obtain[s] a network address” (col. 5, lines 43-45). Thus, Alkhatib clearly teaches a communication link is present (e.g., communication link between device 76 and subnet 70), and further, teaches identifying whether the link is active by obtaining a network address. More specifically, Alkhatib teaches the above-mentioned step of identifying comprises receiving responses which indicate whether the device of a communication link is active (e.g., see col. 5, line 50 – col. 7, line 27, and specifically col. 7, lines 12-14). Thus, applicant's argument is not persuasive.

Second, applicant argues regarding claims 1 and 11-15 (page 7, fourth paragraph continued to page 8, and page 12, first and second paragraph) that Alkhatib makes no teaching or suggestion that the devices determine whether a new address prefix is needed for a

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communication link. However, as discussed in the previous office action, and repeated herein, Alkhatib teaches automatically identifying whether the router needs a new address prefix for the identified active communication link (e.g., see col. 3, lines 27-41 wherein finding a conflict identifies a new address prefix is required). In the above citation, Alkhatib specifically discloses, “If a conflict is found, a new address is determined” (col. 3, lines 40-41). Thus, by finding a conflict, Alkhatib automatically identifies that the router needs a new address prefix for the link. Accordingly, applicant’s argument is not persuasive.

Third, applicant argues regarding claims 1 and 8 (page 8, first paragraph to page 9, continued paragraph; and page 10, fourth paragraph) that Alkhatib makes no teaching or suggestion that a router effects the processes on its own behalf. However, as included in the citation of the previous office action (e.g., col. 5, lines 15-49), and repeated herein, Alkhatib teaches the interface of device 76 comprises “a router” (col. 5, lines 24-26). While applicant further argues (in footnote 1 on page 8) that Alkhatib is in error by including mentioning that the interface is a router, it remains undisputed that Alkhatib teaches the interface is a router. Further, while Alkhatib may teach alternate embodiments using, e.g., a network card or a modem in place of the router, such teachings do not negate the fact that Alkhatib clearly teaches an embodiment wherein the interface is a router. Accordingly, Alkhatib anticipates applicant’s claim language that the method is “at a router”, and applicant’s argument is not persuasive.

Fourth, applicant argues regarding claims 2 and 3 (page 9, first and second paragraphs) that Alkhatib makes no teaching of a plurality of active communication links. However, as discussed in the previous office action and repeated herein, Alkhatib teaches plural communication links comprising the link of subnet 70 to, e.g., each of devices 72, 74 and 76 (see

FIG. 2). Thus, applicant's argument is not persuasive. Further, applicant argues that Alkhatib fails to teach devices are coupled via more than one subnet. However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., devices are coupled via more than one subnet) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, applicant's argument is moot.

Fifth, applicant argues regarding claim 4 (page 9, third paragraph) that Alkhatib fails to teach automatically determining whether the router needs to advertise a new address prefix for use by link endpoints. However, as discussed in the previous office action, and repeated herein, Alkhatib teaches automatically determining whether the router needs to advertise a new address prefix for use by link endpoints (e.g., step 94 in FIG. 3A; see also col. 5, line 50 – col. 12, line 63, and specifically col. 10, lines 23-32). Thus, applicant's argument is not persuasive.

Sixth, applicant argues regarding claims 3-7, 9 and 10 (page 9, third paragraph to page 10, third paragraph; and page 11, fourth paragraph to page 11, continued paragraph) that Alkhatib teaches the embodiments require IPv4, and since applicant argues IPv4 makes no provision for router advertisements, Alkhatib cannot provide such a teaching. However, in the above argument, applicant has misrepresented the teachings of Alkhatib. Specifically, Alkhatib teaches "In one embodiment, the IP address is an IPv4 address" (col. 5, lines 46-47), but Alkhatib continues, stating, "However, the present invention can be used for other protocols" (col. 5, lines 47-48). Thus, Alkhatib is clearly not limited to IPv4 as stated by applicant.

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Accordingly, Alkhatib is not bounded by the teachings of IPv4. Thus, applicant's argument is not persuasive.

Seventh, applicant argues regarding claim 5 (page 10, first paragraph) that Alkhatib fails to teach automatically determining when the router has not received a prefix advertisement from another router for the same active communication link. However, as discussed in the previous office action, and repeated herein, Alkhatib provides such a teaching in col. 9, line 39 – col. 11, line 45.

Eighth, applicant argues regarding claim 6 (page 10, second paragraph) that Alkhatib fails to teach the determining of claim 5 is performed within a predetermined period of time. However, as discussed in the previous office action, and repeated herein, Alkhatib provides such a teaching in col. 9, line 39 – col. 11, line 45, and specifically recites, “a predetermined time interval has elapsed” (col. 10, lines 30-31).

Ninth, applicant argues regarding claim 7 (page 10, third paragraph) that Alkhatib fails to teach automatically determining whether the router needs to advertise an address prefix for use by link endpoints by soliciting at least one router to advertise. However, as discussed in the previous office action, and repeated herein, Alkhatib teaches automatically determining whether the router needs to advertise an address prefix for use by link endpoints by soliciting at least one router to advertise (e.g., see col. 5, lines 50-59).

Tenth, applicant argues regarding claim 8 (page 11, first to third paragraphs) that Alkhatib fails to teach identifying whether the router needs to support the identified active communication link. However, as discussed in the previous office action, and repeated herein, Alkhatib provides such a teaching of claim 8 in col. 5, lines 15-49. Specifically, the devices on

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the subnet have input devices (e.g., see col. 5, lines 41-43) which inherently indicate when the router needs to support the link. Thus, applicant's argument is not persuasive. Further, applicant argues that applicant's term, "support", comprises "facilitating packet-forwarding activities between networks via the router" and refers to "support of the communication of other nodes", and such a limitation is not taught by Alkhatib. However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., support which comprises facilitating packet-forwarding activities between networks via the router and refers to support of the communication of other nodes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, applicant's argument is moot.

Eleventh, applicant argues regarding claims 9 and 10 (page 11, fourth paragraph to page 12, continued paragraph) that Alkhatib fails to teach the limitations of claims 9 and 10. However, as discussed in the previous office action, and repeated herein, Alkhatib teaches automatically monitoring the identified active communication link for prefix advertisements from another router and determining when the router has not received a prefix advertisement from another router for the same active communication link within a predetermined period of time, wherein the router then needs to support the identified active communication link (e.g., see col. 9, line 39 – col. 11, line 45). Thus, applicant's argument is not persuasive.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,532,217 to Alkhatib et al.

Regarding claims 1-3, 8 and 11-13, Alkhatib teaches a method comprising a router: identifying active communication links to provide identified active communication links (e.g., see col. 5, lines 15-49 and FIG. 2 regarding devices 72, 74 and 76 and communication links to subnet 70); and automatically identifying whether the router needs a new address prefix for the identified active communication link (e.g., see col. 3, lines 27-41 wherein finding a conflict identifies a new address prefix is required).

Further, regarding claim 8, Alkhatib teaches automatically identifying whether the router needs to support the identified active communication link (e.g., see col. 4, lines 35-53 wherein the routing table determines whether the router is to support the link, or if packets should be forwarded to another router).

Regarding claims 4 and 14, Alkhatib teaches automatically determining whether the router needs to advertise a new address prefix for use by link endpoints (e.g., step 94 in FIG. 3A; see also col. 5, line 50 – col. 12, line 63, and specifically col. 10, lines 23-32).

Regarding claims 5, 6, 9 and 10, Alkhatib teaches automatically monitoring the identified active communication link for prefix advertisements from another router and determining when the router has not received a prefix advertisement from another router for the same active communication link within a predetermined period of time, wherein the router then needs to support the identified active communication link (e.g., see col. 9, line 39 – col. 11, line 45).

Regarding claims 7 and 15, Alkhatib teaches automatically determining whether the router needs to advertise an address prefix for use by link endpoints by soliciting at least one router to advertise (e.g., see col. 5, lines 50-59).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 703.305.7357. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 703.308.6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin M Philpott


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